

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Natalie Garritano
Debtor(s)

Bankruptcy Case No.: 17-23282-CMB
Issued Per Mar. 15, 2018 Proceeding
Chapter: 13
Docket No.: 36 – 20, 31
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated September 18, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,017 as of March 2018. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Pennymac Loan Servicings at Claim No. 23 .
- ☒ H. Additional Terms: The claim of Toyota Motor Credit at Claim No. 5 shall be paid per January 12, 2018 order.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: March 26, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Natalie Garritano
 Debtor

Case No. 17-23282-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 41

Date Rcvd: Mar 26, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 28, 2018.

db
 14676409 +Natalie Garritano, 717 Penn Street, Brackenridge, PA 15014-1148
 14676410 +Aes/educn Sr, Pob 61047, Harrisburg, PA 17106-1047
 14695101 +Allegheny Co Fam Div, 414 Grant St, Pittsburgh, PA 15219-2409
 +Allegheny County Clerk of Courts, 115 County Courthouse, 436 Grant Street,
 Pittsburgh, PA 15219-2400
 14676411 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One, 15000 Capital One Dr, Richmond, VA 23238)
 14676412 +Chna, Po Box 6497, Sioux Falls, SD 57117-6497
 14676413 +Chase Card, P.O. Box 15298, Wilmington, DE 19850-5298
 14695102 +Comenitybk/marthonvs, P.O. Box 182789, Columbus, OH 43218-2789
 14695103 +Comenitycap/gamestop, P.O. Box 182120, Columbus, OH 43218-2120
 14740687 Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,
 Kirkland, WA 98083-0657
 14676415 +Dsnb Macys, Po Box 8218, Mason, OH 45040-8218
 14676416 +Dsrm Nt Bk, Pob 631, Amarillo, TX 79105-0631
 14676418 +I C System Inc, Po Box 64378, Saint Paul, MN 55164-0378
 14676419 +KML Law Group, P.C., 5000 Mellon Indepence Center, 701 Market Street,
 Philadelphia, PA 19106-1538
 14695105 +Linda Garritano, 107 W. 8th St., Tarentum, PA 15084-1409
 14704319 +PHEAA, PO Box 8147, Harrisburg, PA 17105-8147
 14760449 Pennymac Loan Services, LLC, P.O. Box 2010, Moorpark, CA, 93020
 14676426 +Toyota Motor Credit Co, 240 Gibraltar Rd Ste 260, Horsham, PA 19044-2387
 14704429 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14761262 +E-mail/Text: bncmail@w-legal.com Mar 27 2018 02:23:08 Comenity Capital Bank/Paypal Credit,
 c/o Weinstein & Riley, PS, 2001 Western Ave., Ste 400, Seattle, WA 98121-3132
 14695104 +E-mail/PDF: creditonebknottifications@resurgent.com Mar 27 2018 02:26:40 Credit One Bank,
 P.O. Box 98872, Las Vegas, NV 89193-8872
 14681413 E-mail/Text: mrdiscen@discover.com Mar 27 2018 02:22:15 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 14676414 +E-mail/Text: mrdiscen@discover.com Mar 27 2018 02:22:15 Discover Fin Svcs Llc,
 Po Box 15316, Wilmington, DE 19850-5316
 14676417 E-mail/Text: aladd@franklinamerican.com Mar 27 2018 02:23:49 Franklin American Mtg/,
 501 Corporate Centre Drive, Franklin, TN 37067
 14754926 E-mail/PDF: resurgentbknottifications@resurgent.com Mar 27 2018 02:26:45
 LVNV Funding, LLC its successors and assigns as, assignee of FNBM, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14754928 E-mail/PDF: resurgentbknottifications@resurgent.com Mar 27 2018 02:26:45
 LVNV Funding, LLC its successors and assigns as, assignee of Citibank (South Dakota),,
 N.A., Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14758908 E-mail/PDF: resurgentbknottifications@resurgent.com Mar 27 2018 02:27:07
 LVNV Funding, LLC its successors and assigns as, assignee of Providian National Bank,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14758909 E-mail/PDF: resurgentbknottifications@resurgent.com Mar 27 2018 02:26:49
 LVNV Funding, LLC its successors and assigns as, assignee of Citibank USA, N. A.,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14754927 E-mail/PDF: resurgentbknottifications@resurgent.com Mar 27 2018 02:26:45
 LVNV Funding, LLC its successors and assigns as, assignee of General Electric Capital,
 Corporation, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14676420 +E-mail/PDF: resurgentbknottifications@resurgent.com Mar 27 2018 02:27:35 Lvnv Funding Llc,
 Po Box 10497, Greenville, SC 29603-0497
 14754937 E-mail/Text: bkr@cardworks.com Mar 27 2018 02:22:12 MERRICK BANK,
 Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
 14692185 +E-mail/Text: bankruptcydpt@mcmcg.com Mar 27 2018 02:22:53 MIDLAND FUNDING LLC,
 PO BOX 2011, WARREN, MI 48090-2011
 14676421 +E-mail/Text: bkr@cardworks.com Mar 27 2018 02:22:12 Merrick Bank Corp, Po Box 9201,
 Old Bethpage, NY 11804-9001
 14705345 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 27 2018 02:26:37
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14677099 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Mar 27 2018 02:27:23
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14695106 +E-mail/PDF: gecsedirecoverycorp.com Mar 27 2018 02:27:21 Synch/Gap, P.O. Box 965005,
 Orlando, FL 32896-5005
 14676422 +E-mail/PDF: gecsedirecoverycorp.com Mar 27 2018 02:26:58 Synch/dks, Po Box 965005,
 Orlando, FL 32896-5005
 14676423 +E-mail/PDF: gecsedirecoverycorp.com Mar 27 2018 02:26:58 Synch/jcp, Po Box 965007,
 Orlando, FL 32896-5007
 14676424 +E-mail/PDF: gecsedirecoverycorp.com Mar 27 2018 02:26:58 Synch/lowes, Po Box 965005,
 Orlando, FL 32896-5005
 14676425 +E-mail/PDF: gecsedirecoverycorp.com Mar 27 2018 02:26:58 Synch/walmart Dc, Po Box 965024,
 Orlando, FL 32896-5024
 14695107 +E-mail/PDF: gecsedirecoverycorp.com Mar 27 2018 02:26:35 Synchrony Bank/bp,
 P.O. Box 965024, Orlando, FL 32896-5024

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 41

Date Rcvd: Mar 26, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center
(continued)

TOTAL: 22

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
cr Franklin American Mortgage Company
cr PENNYMAC LOAN SERVICES, LLC
cr Toyota Motor Credit Corporation
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14714977* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
(address filed with court: Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541)
TOTALS: 3, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 28, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 26, 2018 at the address(es) listed below:

Glenn R. Bartifay on behalf of Debtor Natalie Garritano gbartifay@bartifaylaw.com,
sfallat@bartifaylaw.com;jterek@bartifaylaw.com;nalejandro@bartifaylaw.com;gbartifay@yahoo.com
Glenn R. Bartifay on behalf of Plaintiff Natalie Garritano gbartifay@bartifaylaw.com,
sfallat@bartifaylaw.com;jterek@bartifaylaw.com;nalejandro@bartifaylaw.com;gbartifay@yahoo.com
James Warmbrodt on behalf of Creditor Toyota Motor Credit Corporation bkgroup@kmlawgroup.com
James Warmbrodt on behalf of Creditor Franklin American Mortgage Company
bkgroup@kmlawgroup.com
James Warmbrodt on behalf of Defendant Toyota Motor Credit Company bkgroup@kmlawgroup.com
Joseph A. Dessoye on behalf of Creditor PENNYMAC LOAN SERVICES, LLC pawb@fedphe.com
Mario J. Hanyon on behalf of Creditor PENNYMAC LOAN SERVICES, LLC pawb@fedphe.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 9